

**To: Cross Party Sounding Board**

**On: 6 June 2018**

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**Report by: Director of Finance & Resources**

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**Heading: Review of the Scheme for the Establishment of Community Councils**

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**1. Summary**

- 1.1 This report advises that the Scheme for the Establishment of Community Councils (the Scheme) is being reviewed and sets out the statutory procedures to be followed to amend the Scheme.
  - 1.2 With regard to changing circumstances and representations already received (as set out in paragraphs 3.4 and 4.9), the Cross Party Sounding Board is invited to consider possible amendments to the Scheme, including the funding formula used to determine annual administration allowances and the introduction of a complaints process for community councils.
  - 1.3 At this early stage, community councils have also been invited to attend informal focus group meetings to review the Scheme and suggest possible amendments, including the introduction of a complaints process.
  - 1.4 Proposed amendments will be set out in a Draft Scheme for consideration by the Council later in the year. Subject to formal approval, the Draft Scheme will be published for statutory public consultation and Councillors, community councils and all other interested parties will be invited to make representations on the proposed amendments.
  - 1.5 Once statutory public consultation is exhausted a final report setting out a revised Scheme will be submitted to the Council in due course.
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## **2. Recommendations**

- 2.1 That the intention to review the Scheme for the Establishment of Community Councils and the procedure for undertaking the review be noted;
  - 2.2 That the Board considers possible changes to the Scheme for the Establishment of Community Councils, including the proposal to introduce a complaints procedure for community councils.
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## **3. Reviewing and Amending the Scheme**

- 3.1 The Local Government (Scotland) Act 1973 (the Act) places a duty on the Council to have in place a Scheme detailing the provisions it will make to establish and support community councils in its area.
- 3.2 The Scheme sets out arrangements for community council: boundaries; elections; membership; meetings; level of annual grant; liability; suspension and dissolution and includes the Constitution and Standing Orders to apply to community councils, together with a Code of Conduct for community council members and a summary of expectations.
- 3.3 Having regard to changing circumstances, and any representations received, the Council also has a duty to keep the content and provisions of its Scheme under review. The last review was conducted during 2014 and a revised Scheme was adopted by the Council in February 2015.
- 3.4 Since then the following has occurred:
  - 3.4.1 A new community council has been established in the area specified in the Scheme as Craigielea Community Council. Residents advised that the area was more commonly known to them as Ferguslie and requested that the community council area be renamed “Ferguslie Community Council”. It was agreed that this change would be included in the Scheme document at the next review.
  - 3.4.2 Citing difficulty recruiting and retaining residents as members and confusion with the local authority, some community councils have requested scope to remove “Council” from their title.
  - 3.4.3 Some community councils have requested that the Scheme at paragraph 3.8.1 better define “be ...non-political”.
  - 3.4.4 The use of social media by community councils has increased.
  - 3.4.5 The Community Empowerment (Scotland) Act 2015 has been introduced and helps communities to do more for themselves and have more say in decisions that affect them.

- 3.4.6 A representation has been received, from the Scottish Government Minister for Communities & Housing, encouraging the Council to consider the introduction of a complaint process for community councils when it next reviews its Scheme. (See appendix).
- 3.5 In terms of the Act, before the Scheme can be revised or amended, the Council must agree that it ought to be amended, give public notice of its proposals to amend the Scheme and invite community councils and the public to make representations as respects the proposals. A meeting of the Council, convened for that purpose only, must agree to this, by two-thirds majority of those present and voting.
- 3.6 Therefore, to commence the review process, a Draft Scheme is being prepared setting out proposed amendments for consideration at the Council meeting convened for that purpose. Early discussions with community councils and relevant Council services are taking place to inform the content of the Draft Scheme.
- 3.7 Subject to the necessary Council approval, a first phase of statutory public consultation on the content and provision of the Draft Scheme will be carried out over eight weeks. Community councils, community planning partners, local area committees and all other interested parties will be invited to make representation on the proposed changes at that time.
- 3.8 At the end of the consultation period, a report will be submitted to the Council detailing representations received. Should representations include further proposals for amendment, these can be accepted or rejected by the Council.
- 3.9 If accepted, a second phase of public consultation, on an amended Draft Scheme must be carried out. No new material can be introduced.
- 3.10 Thereafter, the Council can resolve, at a meeting for that purpose only, to approve the content of the Draft Scheme or the duly amended Draft Scheme, as its final Scheme. The resolution requires a two-thirds majority of members present and voting.
- 3.11 It is anticipated that a final Scheme will be in place before the next Council-wide elections to community councils that are held every four years and are currently scheduled to take place in August/September 2019. The Director of Finance & Resources has discretion, in terms of the Scheme, to determine when Council-wide elections to community councils are held.

#### **4. Community Councils in Renfrewshire**

- 4.1 Community councils have a duty to represent all residents in their area and to do so with fairness and equality. The Local Government (Scotland) Act 1973 Section 51(2) provides this definition:

*“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those*

*authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”*

- 4.2 There are 25 community council areas in Renfrewshire. The geographical boundaries of each area were determined by residents’ understanding of their own ‘natural’ community boundaries. To date, the Council has maintained the status quo in relation to community council boundaries, unless representations for change have been made by residents in the affected area and any affected neighbouring community council also agrees to the change.
- 4.3 At present, 21 community councils are active, representing approximately 150,750 residents and 4 are inactive leaving approximately 24,150 without community council representation.
- 4.4 295 residents are members of their local community council. Members are volunteers who have been elected “unopposed” to represent their area. Contested elections are held only where there are more candidates for election than places available on the community council. Membership is open to residents who live in the area, are registered to vote, and are 16 or over.
- 4.5 Community councils have a Constitution and Standing Orders that have been approved by Renfrewshire Council and operate a voluntary Code of Conduct for Members of Community Councils (the Code of Conduct) that sets out standards of behaviour expected of members.
- 4.6 The voluntary Code of Conduct was introduced by the Scottish Government in 2009 as part of its national “model Scheme” with guidance that the Code of Conduct was to be self-regulating. Community councils can investigate alleged breaches of this Code and determine the sanctions to apply. The Scottish Government is silent on what constitutes a complaint about a community council or a community council member, the method of investigation and the sanctions, if any, to be applied.
- 4.7 However, other local authorities have introduced a complaints process for community councils and the Scottish Government Minister for Communities & Housing has written to all local authorities encouraging the introduction of a complaints process, citing the procedures put in place by East Renfrewshire Council and Moray Council as examples.
- 4.8 Informally, community councils in Renfrewshire have indicated that they are divided on the need to introduce a complaints process. While some will welcome this opportunity to investigate and resolve complaints in a consistent manner, others are highly critical of its introduction particularly as members are volunteers many of whom have no knowledge or experience of investigating and resolving complaints. For these reasons, the matter is likely to be contentious.
- 4.9 The Council provides an annual administration allowance to each community council towards running costs, based on the formula; £600 + 3p per head of population – annual allowances range from £617 to £1,256. Currently, the total budget for annual administration allowances is £20,247. The Board is invited to consider possible amendments to this formula.

- 4.10 The level of annual administration grant provided by our three comparator Councils is:

Dundee City Council	£330 + 1.2p per head of population
Clackmannanshire Council	£400 for each CC with population less than 3000 and £600 for all others
North Lanarkshire Council	£350 + £9 per 100 electorate

- 4.11 Direct comparisons with the provisions and support provided to community councils by other Scottish local authorities is not possible given the diversities of size and scale, the levels of direct and indirect funding, and the resources available to provide direct and indirect support.
- 4.12 As well as their own fundraising initiatives, community councils can apply for local area committee grants and to external sources for funding towards local improvement projects for their communities.

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## Implications of the Report

1. **Financial** – A proposed increase to the funding formula that determines annual administration grants will require to be resourced.
2. **HR & Organisational Development** – None.
3. **Community/Council Planning** –
  - *Our Renfrewshire is fair* - Community councils represent all residents in their area with fairness and equality and, although not part of local government, are considered the first tier of local democracy.
  - *Our Renfrewshire is safe* – Community councils contribute towards keeping residents safe and, to help them do so, have developed strong working relationships with local community police and warden services.
  - *Reshaping our place, our economy and our future* – Community councils are statutory consultees on planning matters.
  - *Building strong, safe and resilient communities* – As advocates for their neighbourhoods, community councils have developed strong working relationships with all public sector providers and help to plan services and communicate those plans to residents.
4. **Legal** – None.
5. **Property/Assets** – None.
6. **Information Technology** – None.
7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** - None
12. **Cosla Policy Position** – None.

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#### **List of Background Papers:**

- (a) Renfrewshire Council Scheme for the Establishment of Community Councils (2015)

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